

1-1 By: Ellis, Deuell, Staples S.B. No. 859
1-2 (In the Senate - Filed March 1, 2005; March 10, 2005, read
1-3 first time and referred to Committee on Transportation and Homeland
1-4 Security; May 3, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 1;
1-6 May 3, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 859 By: Ellis

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to a motor vehicle passing a bicyclist; providing
1-11 penalties.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter B, Chapter 545, Transportation Code,
1-14 is amended by adding Section 545.0535 to read as follows:

1-15 Sec. 545.0535. PASSING BICYCLIST ON HIGHWAY OR STREET.

1-16 (a) An operator of a motor vehicle passing a bicyclist operating
1-17 on a highway or street shall:

1-18 (1) vacate the lane in which the bicyclist is
1-19 operating when operating on a highway with two or more marked lanes;
1-20 or

1-21 (2) pass at a safe distance.

1-22 (b) For the purposes of Subsection (a), the operator is
1-23 presumed to have passed the bicyclist at a distance that was not
1-24 safe if the distance between the operator's vehicle and the bicycle
1-25 was less than:

1-26 (1) three feet if the operator's vehicle is a vehicle
1-27 other than a vehicle described by Subdivision (2); or

1-28 (2) six feet if the operator's vehicle is:

1-29 (A) a truck other than a light truck; or

1-30 (B) a commercial motor vehicle, as defined by
1-31 Section 522.003.

1-32 (c) A violation of this section is:

1-33 (1) a misdemeanor punishable under Section 542.401;

1-34 (2) a misdemeanor punishable by a fine of \$500 if the
1-35 violation results in property damage; or

1-36 (3) a Class B misdemeanor if the violation results in
1-37 bodily injury.

1-38 (d) It is a defense to prosecution under this section that
1-39 at the time of the offense the bicyclist was not in compliance with
1-40 Section 551.103 or 551.104(b)(2).

1-41 (e) If conduct constituting an offense under this section
1-42 also constitutes an offense under another section of this code or
1-43 the Penal Code, the actor may be prosecuted under either section or
1-44 under both sections.

1-45 SECTION 2. This Act takes effect September 1, 2005.

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